

BINGHAM McCUTCHEN

RECEIVED
CENTRAL FAX CENTER

MAY 05 2005

Facsimile

DATE May 5, 2005

Bingham McCutchen LLP
1900 University Avenue
East Palo Alto, CA
94303-2223

	NAME	FAX	PHONE
TO	Art Group Unit 3738 Attn: Mail Stop AF Examiner D. Willse	(703) 872-9306	(571) 272-4762

650.849.4400
650.849.4800 fax

FROM	Antoinette F. Konski antoinette.konski@bingham.com	(650) 849-4800	(650) 849-4950
------	---	----------------	----------------

bingham.com

PAGES (INCLUDING THIS COVER PAGE): 11

RE U.S. Application Serial No.: ⁰⁸08/993,946

Boston
Hartford
London
Los Angeles
New York
Orange County
San Francisco
Silicon Valley
Tokyo
Walnut Creek
Washington

MESSAGE

This facsimile consists of the following:

Fax Cover Sheet (1 pg);
Transmittal Form (1 pg)
Response to Non-Compliant Amendment and Request for summary of Interview (9 pgs)

For transmission problems, please call (650) 849-4825

The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. If you are neither the intended recipient(s) nor a person responsible for the delivery of this transmittal to the intended recipient(s), you are hereby notified that any unauthorized reading, distribution, copying or disclosure of this transmittal is prohibited. If you have received this transmittal in error, please notify us immediately at (same telephone number as in first paragraph - will duplicate) and return the transmittal to the sender. Thank you.

Timekeeper No:	21879	Client/Matter No:	255559-7491	DATE/TIME STAMP
Client/Matter Name:				
Return To:	Peay Nichols	Floor No:		

PAS2155485.1

PTO/SB/21 (08-03)


Approved for use through 07/31/2008. CMB 0651-0091


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	08/983,946
		Filing Date	December 18, 1997
		First Named Inventor	Thomas A. Silvestrini
		Art Unit	3738
		Examiner Name	D. Willse
Total Number of Pages in This Submission	10	Attorney Docket Number	AT 2038.00

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.63	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Bingham McCutchen LLP Antoinette F. Koniski
Signature	
Date	May 5, 2005

CERTIFICATE OF TRANSMISSION			
I hereby certify that this correspondence is being sent via facsimile to Attn: Mail Stop AF fax no. (703) 872-6306 Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Peggy Nichols	Date	May 5, 2005
Signature			

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CENTRAL FAX CENTER

MAY 05 2005 AT 2036.00

CERTIFICATE OF MAILING BY "FACSIMILE TRANSMISSION"

I hereby certify that this correspondence is being facsimile transmitted to 703-872-9306 attention to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on May 5, 2005.

Peggy Nichols
Name: Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Thomas A. SILVESTRINI

Serial No.: ⁰⁸09/993,946

Filing Date: December 18, 1997

For: CORNEAL IMPLANT METHOD AND
PLIABLE IMPLANT THEREFOR

Confirmation No.: 5937

Examiner: D. Willse

Group Art Unit: 3738

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT AND
REQUEST FOR SUMMARY OF INTERVIEW

Sir:

This paper is filed in response to the Notice of Non-Compliant Amendment issued April 25, 2005 and the Notice of Request for Summary of the Examiner Interview issued on April 5, 2005. A response to the Non-Compliant Notice is due May 25, 2005 and the Response to the Request for Summary of the Examiner Interview is due May 5, 2005. On April 4, 2005, a three month extension of time and Notice of Appeal were filed, thereby extending the deadline to take action in this case to June 4, 2005. Accordingly, the subject application is currently pending and this paper in reply to the outstanding notices is timely filed.

The Listing of the Claims begins on page 2 of this reply.

The Remarks begin on page 5 of this reply.

PA/52157710.1/2023915-7004262001